



East Timor

Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 4, 2002

East Timor made significant progress in establishing its institutions of democracy and governance in preparation for full independence which is scheduled for May 20, 2002; however, during its second year of independence from Indonesia, reconstruction and recovery from the September 1999 violence that ravaged the territory was a central focus of activity, and numerous problems remained. In a U.N. administered consultation vote on August 30, 1999, an overwhelming majority of East Timorese voted against autonomy (and, in effect, for independence from Indonesia), and in early September 1999, the U.N. Secretary General declared the ballot results to be "an accurate reflection of the will of the East Timorese people." As a result, in October 1999, the Government of Indonesia approved revocation of the 1978 Indonesian parliamentary decree that annexed East Timor, allowing for the establishment of the U.N. Transitional Administration in East Timor (UNTAET), which is mandated by the U.N. Security Council to establish a democratic government in East Timor. UNTAET continued to govern East Timor and the East Timor Transitional Administration (ETTA), and the National Council (NC) advised the Transitional Administrator throughout most of the year. On August 30, elections were held to elect an 88-member Constituent Assembly, which is responsible for creating a constitution for East Timor. As a result of the elections, in September UNTAET established a new governing structure, the East Timor Public Administration (ETPA). ETPA consists of 10 ministries and 4 secretariats, all headed by East Timorese. The ETPA Cabinet was selected in consultation with the UNTAET Administrator and the newly elected Constituent Assembly. The Cabinet is dominated by members of Fretilin, the party that won the majority of seats in the Constituent Assembly, but includes some "independent" members who have affiliations to smaller political parties. Under UNTAET regulations, Indonesian law applies throughout East Timor, except in areas in which UNTAET specifically has repealed laws or superceded them with its own regulations. UNTAET regulations providing for an independent judiciary generally were respected during the year; however, the independence of the judiciary occasionally has been questioned.

In February 2000, the Australian-led International Force in East Timor (INTERFET), which arrived in September 1999, transferred military authority to UNTAET Peacekeeping Forces (UN-PKF). The UN-PKF's role was to restore and preserve basic social order and prevent violence by pro-Indonesia militias operating inside East Timor. The UN-PKF was present in the eastern and central sectors of the territory but maintained an especially strong presence on the border, where, despite repeated assurances from the Government of Indonesia, crossborder Indonesian military-supported militia incursions from Indonesia continued until mid-year. Despite such sporadic militia incursions, the security situation in most of East Timor was stable throughout the year. In January 2000, INTERFET transferred responsibility for internal security to the U.N. Civilian Police (CIVPOL). In July 2000, the first group of 50 East Timorese cadets graduated from the Police Academy and began working alongside CIVPOL, augmented by a police assistance group comprised of East Timorese who formerly were part of the Indonesian police forces. By year's end, there were more than 1,300 active members of the East Timor Police Services (ETPS) working with CIVPOL. The training of a new East Timor Defense Force (ETDF) began earlier in the year and incorporated some members of Falintil, the former East Timorese guerrilla forces. The ETDF gradually is to take over responsibilities from the UN-PKF once they have completed their training and gained some experience in the field. Although the UN-PKF began to reduce its presence in East Timor during the year, a significant number is to remain for several years.

East Timor is an extremely poor territory, with two-thirds to three-fourths of the population of 775,000 persons engaged in subsistence agriculture. The Asian Development Bank during the year estimated the per capita gross domestic product (GDP) to be approximately \$452. An estimated 70 to 80 percent of East Timor's infrastructure was damaged severely by the systematic scorched-earth campaign that Indonesian military and militia forces conducted in September 1999, as they withdrew from the territory. During the year, reconstruction proceeded slowly. The majority of the population has basic shelter and sufficient food supplies. Low-level commercial activity continued, much of which served the large foreign presence in the territory. The rural agricultural economy has recovered significantly, but unemployment remained high in the urban areas. Coffee

remained the territory's only significant export, but falling world prices and a domestic export tax hindered its export. UNTAET authorities repealed the export tax in May and in July East Timor concluded an agreement with Australia over the revenue from the potentially lucrative Timor Gap oil and gas region, located in the waters between East Timor and Australia. However, the Timor Gap is not expected to be economically productive for 5 to 10 years. Property ownership disputes and the lack of a comprehensive commercial code hinder investment and related long-term development. Urban unemployment and wage and price inflation remained significant problems. Most observers believe that East Timor will remain heavily dependent on foreign assistance for the foreseeable future.

UNTAET generally respected the human rights of East Timorese. The arrival of the INTERFET forces and withdrawal of Indonesian forces in September 1999 largely brought to an end the decades-long pattern of numerous, serious human rights abuses by Indonesian authorities and their East Timorese allies; however, many serious problems remained. East Timorese Indonesia-backed militias based in West Timor, Indonesia, at times crossed into East Timor and threatened, robbed, attacked, and occasionally killed local villagers. There were eight militia incursions during the year, but no militia personnel were killed in East Timor in clashes with the UN-PKF. One Indonesian soldier, dressed in civilian attire, was killed by UN-PKF in July after he reportedly fired across the border into East Timor. There were isolated attacks and instances of harassment of returning refugees who were suspected of being former militia members, and National Council of Timorese Resistance sponsored security groups at times were involved in such abuses. The vast majority of the prison population is composed of pretrial detainees, despite explicit protective regulations. However, by December the number of pretrial detainees for serious and ordinary crimes had been greatly reduced from the previous year. On occasion the independence of the judiciary was questioned, and the judiciary's resources remained extremely inadequate. Until its dissolution in the month proceeding the August elections, the CNRT continued to benefit from its close relationship with UNTAET and at times allegedly misused its political influence for employment advantages. By the end of the year, 192,592 internally displaced persons (IDP's) had returned to East Timor from West Timor and other areas of Indonesia, but many others remained in West Timor. During the year, the Government of Indonesia announced that it would end aid to the refugee camps in West Timor and revoked refugee status for the individuals remaining; however, it had not done so by year's end. Domestic violence against women is a significant problem and customary practices discriminate against women. By year's end, most children had returned to school. However, the educational infrastructure, while significantly improved since September 1999, suffered from inadequate facilities, poorly trained teachers, and lack of educational materials. Protestants and Muslims occasionally are harassed, and in March a mob burned the mosque in Baucau. Ethnic-Chinese businessmen faced some extortion and harassment, and non-Portuguese speakers reported discrimination in government hiring. Local leaders sometimes forced suspected militia members returning from West Timor, Indonesia, to engage in compulsory labor. In the past, there have been unconfirmed reports of trafficking in women and children from Indonesia to East Timor.

During the year, significant efforts were made to bring to justice those persons responsible for the most serious abuses committed during 1999. In 2000 UNTAET established a Serious Crimes Investigation Unit (SCIU) to address abuses that were committed from January 1 to October 25, 1999 and concluded a memorandum of understanding (MOU) with the Government of Indonesia regarding legal, judicial, and human rights cooperation. The SCIU has issued 33 indictments against 82 accused militia members. In July the SCIU began prosecution of the first crimes against humanity case against 11 individuals. In December all 10 of these suspects were convicted by the Special Panel for Serious Crimes and received prison sentences ranging from 4 to 33 years; the 11th individual remained at large in Indonesia. By year's end, the SCIU has issued 7 arrest warrants for Indonesians involved in serious crimes and submitted these arrest warrants to the Indonesian government. The Indonesian Government had not responded formally by year's end. The SCIU and the Special Panel were constrained severely by insufficient staff and funding, as well as by procedural and organizational disputes with UNTAET for most of the year.

On November 6, the trial of mid-level militiaman Jacobus Bere for the July 2000 killing of U.N. Peacekeeper Private Leonard Manning, a member of the New Zealand Army Battalion, continued. Indonesian prosecutors also indicted three militia members involved in the incident. Indonesian cooperation in investigating and prosecuting Manning's assailants came only after UNTAET concluded a supplemental agreement with Indonesian authorities in West Timor in June. The trial continued at year's end.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

A case was opened in 2000 in connection with the alleged killing of four suspected militia members in the town of Bobonaro in September 1999. On April 25, a suspect in the case who was arrested in 2000 died while in custody, allegedly from natural causes. A formal report regarding the death had not been released by year's

end. The lack of a forensic pathologist in East Timor makes cases of deaths in custody difficult to investigate (see Section 1.e.).

The arrival of the INTERFET forces and the withdrawal of Indonesian forces in September 1999 largely brought to an end the decades-long pattern of numerous, serious human rights abuses, including extrajudicial killings, by Indonesian security forces. UNTAET members committed no extrajudicial killings during the early part of the year. East Timorese pro-Indonesia militias based in West Timor, Indonesia, which were armed and supported by elements of the Indonesian armed forces, crossed into East Timor and threatened, robbed, and attacked local villagers and peacekeeping forces during the year; however, the UN-PKF generally was able to prevent such abuses during the year, and no militia attacks have been reported since June. In addition violence against East Timorese former militias returning from West Timor occasionally was a problem (see Section 1.c.), although the number of such incidents decreased significantly during the year.

During 2000 there were reports that returning IDP's, alleged to have militia links, were killed. In January and February 2000, two men were killed in Ermera district. It is believed that these were retaliatory killings related to the two men's pro-autonomy sympathies. In March 2000, militia members reportedly killed a villager near Maliana. These cases remained under investigation and no charges had been filed by year's end. In April 2000, Gabriel Alves, a suspected militia member, was beaten and kicked to death in Ulmera, Liquica. A suspect was arrested in 2000, but was released during the year pending trial.

In July 2000, approximately eight militia members shot and killed New Zealand U.N. peacekeeper Private Leonard William Manning and mutilated his corpse, near Suai, East Timor, where Manning's unit was patrolling the East/West Timor border area. In November the leader of the group, Jacobus Bere, was put on trial in Jakarta, Indonesia for first- and second-degree murder following a joint Government of Indonesia-UNTAET investigation of the incident. The trial had been postponed October to November because Bere was ill. It had not concluded by year's end. Indonesian prosecutors also indicted 3 of the 5 militia members involved in the incident. Yohanes Timo and Gabriel Hale Noni were charged with premeditated murder, a charge carrying the death penalty. Fabianus Ulu faces up to 15 years in jail if convicted on the lesser charge of homicide.

In August 2000, East Timorese militia members killed Nepalese U.N. peacekeeper Private Devi Ram Jaisi and wounded four other persons (see Section 1.c.). By year's end, UNTAET and the Government of Indonesia had been unable to capture the suspects in these incidents.

UNTAET and the UN-PKF estimated that in September as many as 150 armed militia members were operating inside West Timor; during the year there were no reports of active militia in East Timor. However, in response to the killings of U.N. personnel, the UN-PKF in 2000 liberalized its rules of engagement to permit peacekeepers to shoot at militia members who are perceived to be a threat to the UN-PKF. Nonetheless by year's end, peacekeepers had not killed any suspected militia members operating within East Timor, although in July one Indonesian soldier, dressed in civilian attire, was killed in West Timor by UN-PKF forces based in East Timor after he reportedly fired across the border.

By the end of 2000, more than a dozen pro-Indonesia militia members, lacking support from the local population, had surrendered to the UN-PKF and UNTAET, and the UN-PKF believes that all of the remaining active militia members have returned to West Timor.

Elements of the Indonesian security forces (TNI) and pro-integration East Timorese militias, armed and largely supported by the TNI, were responsible for numerous extrajudicial killings in East Timor throughout 1999, especially after the results (an overwhelming vote for independence) of the August 30, 1999 consultation vote were announced (see Section 1.c.). In 2000 and during the year, UNTAET made efforts to bring to justice those persons responsible for the most serious abuses committed during 1999. UNTAET established a Serious Crimes Investigation Unit in 2000 to address the most recent and serious cases (see Section 1.e.). In April 2000, UNTAET concluded a memorandum of understanding with the Government of Indonesia regarding legal, judicial, and human rights cooperation. In October 2000, UNTAET issued a warrant for the arrest of Eurico Guterres, a militia member who allegedly was involved in the 1999 mass violence in East Timor, and requested his extradition from Indonesia. However, Guterres remained in Indonesia facing trial for causing a disturbance at a September 2000 weapons handover ceremony presided over by Indonesian Vice President Soekarnoputri in Atambua, West Timor. He was being held on charges of illegal possession of weapons and instigating his followers to engage in illegal acts, but since has been released. The Government of Indonesia has made no serious effort to extradite Guterres to East Timor by year's end, and he has never been charged for the crimes he allegedly committed in East Timor in 1999.

On December 2000, UNTAET filed indictments against those persons suspected of committing war crimes and related atrocities in 1999. The Indonesian Government (Attorney General's Office) had not taken a position or responded formally by year's end. The Government of Indonesia took some steps to convene an ad hoc

human rights tribunal for East Timor, which reportedly is to try persons who committed atrocities during April and September 1999 in Liquica, Dili, and Suai. In December the Jakarta Post reported that Chief Justice Bagir Manan had announced that the tribunal would not be convened until January 2002. Bagir reportedly submitted 30 names to President Megawati Soekarnoputri for approval as ad hoc judges.

During 2000 UNTAET provided considerable assistance to Indonesian authorities investigating the atrocities committed in East Timor during 1999. In Indonesia the Commission for Investigation of Violations of Human Rights in East Timor (KPP-HAM) submitted its report on human rights violations in East Timor to the Indonesian Attorney General's office on January 31, 2000. The report built on an earlier interim report that held Indonesian security forces responsible for the destruction and violence that followed the East Timor consultation vote on August 30, 1999. The KPP-HAM members recommended the investigation of more than 30 persons, including the commander of the security forces and other high-ranking TNI and police officers. The Indonesian Attorney General announced that his office initially would prosecute five major cases arising from the 1999 violence in East Timor and for which pro-Indonesia militia groups backed by TNI forces allegedly were responsible. The cases included the April 6, 1999 massacre in Liquisa, in which at least 25 persons died; the April 17, 1999 killings at pro-independence activist Manuel Carrascalao's home, in which at least 15 persons died; the September 5, 1999 attack on the compound of the Catholic Diocese in Dili; the September 6, 1999 massacre of at least 3 priests, IDP's, and 160 other civilians at a church in Suai; and the September 21, 1999 killing of Dutch journalist Sander Thoenes. The cases did not include the September 26, 1999 attack on a humanitarian convoy near Los Palos by "Team Alpha" paramilitary personnel, in which Team Alpha members killed eight persons, including nuns and religious workers. In September and October 2000, the Indonesian Attorney General's office named a total of 23 suspects (one of whom, an East Timorese militia commander, was killed by militia members in early September 2000).

In December the U.N. Serious Crimes Panel found 10 members of the pro-Indonesian Team Alpha guilty of crimes against humanity (see Section 1.e.). Of the 10 Team Alpha militiamen, 3 were sentenced to 33 years in prison and the other 7 were given sentences ranging from 4 to 23 years each. Those accused included several Indonesian army and police generals, but not then-Indonesian armed forces commander General Wiranto, former Indonesian armed forces intelligence chief Zacky Anwar Makarim, or other senior members of the Indonesian military leadership who were named as responsible parties in the KPP-HAM report. The 11th member of the Team Alpha gang has been indicted but remains at large, after Indonesian authorities refused to extradite him.

There also were efforts to hold persons accountable for killings of suspected militia members in 1999. For example, one person has been convicted for the killing of a militia member in the District of Ermera in 1999.

In 2000 the U.N. began investigating the 1975 murders of five journalists in East Timor (see Section 2.a.). The investigation continued to proceed slowly during the year due to lack of resources (see Section 1.e.).

b. Disappearance

There were no reports of politically motivated disappearances during the year.

There were numerous reports of abductions and disappearances in East Timor following the flight and forced relocation of more than 250,000 East Timorese civilians in September 1999. In addition dozens of East Timorese prisoners, including political prisoners, previously held in Becora prison in Dili, reportedly were taken to West Timor in September 1999. By the end of 2000, nongovernmental organizations (NGO's) had determined the whereabouts of the vast majority of the former prisoners. Some had returned to East Timor, while others remained in West Timor.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

UNTAET regulations provide that all persons undertaking public duties or holding public office shall observe internationally recognized human rights standards, as reflected in the U.N. Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and UNTAET observes these regulations in practice.

In 2000 there were isolated cases of local residents mistreating returning refugees who were suspected of being former militia members or militia sympathizers. Such mistreatment occasionally took the form of interrogations, stonings, beatings, and forced labor (see Section 6.c.). Irregular CNRT-sponsored security groups at times facilitated the abuse of such returning refugees, and CIVPOL and local UNTAET officials often permitted the CNRT security groups to screen returnees to determine if they had been associated with militias or Indonesian intelligence, or had committed abuses. This screening usually occurred once the returnees had

arrived back in their home areas. Those returnees who were suspected of having committed abuses in some instances were beaten during these sessions, at times severely. For example, in early February 2000, a CNRT investigation unit (which was questioning returnees regarding past militia affiliations) beat and stabbed a militia member in Liquica. However, the returning refugees generally were reintegrated without significant problems (see Section 2.d.).

Throughout 2000 pro-Indonesia militias clandestinely entered East Timor from West Timor and threatened, robbed, and at times beat and killed local villagers (see Sections 1.a. and 2.d.). However, U.N.-PKF forces largely prevented such actions during the year.

Rivalries between members of the politically dominant CNRT and the small opposition group known as the Democratic Republic of East Timor (RDTL) occasionally led to intimidation and violence. Such violence rivalry continued during the year until the CNRT was dissolved in the months prior to the elections. The RDTL's influence and activities diminished significantly after the conclusion of the August 30 elections.

There were numerous acts of rape and sexual abuse that TNI-supported militia groups perpetrated against displaced East Timorese women in 1999, in addition to the widely reported rapes of women whom the Aitarak militia group kept as sex slaves in their Dili headquarters, also during 1999 (see Section 5). In 1999 the KPP stated that it received reports that the TNI and the militias had raped 60 women in East Timor during the September 1999 wave of violence. In 2000 the Dili court indicted one militia member on a rape charge stemming from the September 1999 violence in Suai; however, the case had not been prosecuted by year's end. A Serious Crimes Investigation Unit (see Section 1.e.) special team established to address sexual violence continued to investigate numerous other rape cases. All educational campaigns against the abuse of women target domestic violence, not rape. Police generally investigate cases of rape; however, the police unit that focuses on such cases lacks sufficient resources and staff to vigorously pursue all reported cases. Cases of East Timorese women whom Indonesian soldiers and civilian personnel allegedly raped in previous years remained unresolved.

Igidio Manek, vice chairman of the Laksaur militia, kidnaped and raped 15-year-old Juliana dos Santos in 1999. He subsequently brought her to West Timor to live in a refugee camp. According to human rights organizations, she gave birth to Manek's son in November 2000. Manek rejected her family's attempt to meet with her privately in March. During an April interview, dos Santos, who is 18-years-old appeared with facial injuries, claimed that she could not return because she had a baby. Manek was jailed in Kupang, West Timor on unrelated charges.

Prison conditions generally meet international standards, and UNTAET permits visits by independent human rights monitors. The prison has been unable to guarantee separate accommodation for juveniles in detention, as dictated in the regulations. The separate juvenile block has been finished; however, the block was used to house international inmates and several mentally ill prisoners. Forty-seven juveniles were held in pretrial detention during the year and only one has received a jail sentence. There are no services to assist persons with mental illnesses.

d. Arbitrary Arrest, Detention, or Exile

UNTAET regulations, which are based on the U.N. Convention on Civil and Political Rights, explicitly preclude arbitrary arrest and detention, and require a hearing within 72 hours of arrest to review the lawfulness of the arrest and detention. UNTAET regulations provide the right to a trial without undue delay.

Pretrial detention is allowed only for crimes carrying a sentence of over 1 year. In principle a judge must review pretrial detention every 30 days; however, in practice limited resources have hindered this review, and some persons remained in pretrial detention longer than stipulated. The maximum pretrial detention period is not to exceed 6 months for suspects who are charged with crimes carrying a sentence of 5 years or less. In the case of a suspect who is charged with a crime carrying a sentence of more than 5 years, a court panel may extend the pretrial detention for an additional 3 months. For crimes with a sentence of over 10 years, a court panel may order additional pretrial detention beyond 9 months. Upon the expiration of the maximum detention period, a judge may order the release of a detainee. Throughout the year, roughly 25 percent of all detainees were overdue for review of their pretrial detention. Two-thirds of the total prison population were pretrial detainees at year's end. Of the pretrial detainees, three-quarters were charged with murder, manslaughter, rape, or other violent crimes that carried a sentence of over 10 years. UNTAET's general policy is to keep the prison population as low as possible. Consistent with this approach, during the year 236 detainees were released on bail upon review; however, charges against them were not dropped, and their legal status was uncertain. By year's end, the number of pretrial detainees for serious and ordinary crimes had been reduced greatly from the previous year.

In East Timor, arbitrary detention of persons suspected of proindependence sympathies by prointegration militia groups was a continuing problem in the months prior to and shortly after the September 1999 consultation. However, in 2000 and during the year, there were few reports that UNTAET officials arbitrarily detained persons. The one known exception occurred in September 2000, when a foreign reporter was arrested for "offending the dignity" of the CNRT president (see Sections 1.e. and 2.a.). There also were no confirmed reports of militia groups having committed such abuses in East Timor. While there were reports that Falintil members detained some persons in their cantonment area at Aileu, it was not clear whether the detainees were in "protective custody" (some suspected militia members ended up in Aileu after being driven from their home areas) or held against their will.

UNTAET prohibits forced exile and there were no reports of its use.

e. Denial of Fair Public Trial

UNTAET regulations require the establishment of an independent judiciary in East Timor. Section two of the Court Law provides that judges perform their duties "independently and impartially" without "improper influence." Similarly UNTAET regulations established a Prosecution Law that requires that all public prosecutors discharge their duties impartially. These regulations generally were respected during the year; however, the independence of the judiciary occasionally has been questioned. For example, following disturbances in Dili in April 2000, a judge reportedly issued arrest warrants at the request of CNRT officials. In September 2000, the Dili District Court ordered the arrest of a Japanese reporter for "offending the dignity" of CNRT President Xanana Gusmao--a crime under the Indonesian Criminal Law Code that the East Timor courts continued to use during 2000, despite Indonesia's revocation of the law. The reporter later was released, and UNTAET subsequently revoked the Indonesian statute used in the case (see Sections 1.d. and 2.a.).

In March 2000, UNTAET created a civil law court system with 13 district courts and 1 national Court of Appeal. The law later was amended to include a court system of only four district courts and one national Court of Appeal. In June 2000, UNTAET established a public prosecutor's office. ETTA made progress in creating a legal basis for the justice sector, but continued to face serious challenges in recruiting and training a sufficient number of qualified judges, prosecutors, and defense lawyers. The judiciary's shortage of personnel largely accounts for UNTAET's inability to process criminal cases against most detained suspects within a reasonable time (see Section 1.d.). The Dili District Court and the Baucau District court are the only fully functioning courts due to the lack of East Timorese judicial and legal personnel.

In March 2000, UNTAET established a special Serious Crimes Panel within the Dili District Court to serve as a de facto international tribunal to prosecute those Indonesian and pro-Indonesian East Timorese persons responsible for the mass killings in 1999 and other serious human rights abuses. However, the UNTAET Serious Crimes Investigation Unit was understaffed and underfunded, limiting its ability to investigate the 10 priority incidents related to the 1999 atrocities. In an effort to overcome these difficulties the Serious Crimes Investigation Unit was reorganized in December and additional resources have been allocated. However, insufficient staff and funding for a weak justice sector continue to slow down prosecutions. For example, there is only one functioning Special Panel able to hear a Serious Crime case. By year's end, the General Prosecutor in Dili had filed 33 indictments against 83 accused militia members for serious crimes, 11 of which involved crimes against humanity. UNTAET's ability to employ fully this legal mechanism and to begin prosecutions was constrained severely by insufficient staff and funding and by procedural and organizational disputes within UNTAET.

The Crimes Panel, which consists of two international judges and one East Timorese judge, has exclusive and "universal" jurisdiction to adjudicate cases of genocide, war crimes, crimes against humanity, murder, sexual offense, and torture that occurred between January 1 and October 25, 1999. In June UNTAET created a corresponding Serious Crimes Prosecution Division under the General Prosecutor. This unit then incorporated an internationally staffed Serious Crimes Investigation and Prosecution Unit that originally was created during the early part of the year under the office of Human Rights Affairs. UNTAET also adopted international definitions of genocide, war crimes, crimes against humanity, torture, and command responsibility into a criminal code for the Serious Crimes Panel. On December 11, 2000, UNTAET filed the first indictments against Indonesian and pro-Indonesia suspects. Those persons indicted included both Indonesians and East Timorese; at year's end, some suspects remained in detention in Dili while others remained at large in Indonesia. UNTAET requested assistance from the Government of Indonesia in extraditing identified suspects at large in Indonesia; however, by year's end, the Government of Indonesia had refused to extradite suspects to East Timor or to allow UNTAET investigators to question suspects in Indonesia. Nonetheless the Serious Crimes Panel handed down some sentences. On January 25, Joao Fernandes was tried for murder and received a sentence of 12 years and Augustino da Costa, who was convicted in July of killing a local employee of the U.N. Mission in East Timor, received a 15 year prison sentence.

In May NGO's helped to create the Judicial System Monitoring Program (JSMP), which assists the UNTAET by making recommendations for ongoing reform of the judicial system. The JSMP sent legal observers to monitor the serious crimes trials, provided legal analysis, and disseminated information regarding the judicial system as a whole.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

UNTAET prohibits such actions, as provided by relevant U.N. human rights covenants, and UNTAET generally respects these prohibitions in practice. However, prior to its dissolution, the CNRT received material support and derives legitimacy from its close relations with UNTAET; other political entities did not enjoy such advantages (see Section 3). There were credible charges that the CNRT used its political position to influence the allocation of jobs in education, possibly including illegally adding names to payrolls in past years.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

UNTAET regulations provide for the freedom of speech and press as stipulated in the U.N. International Covenant on Civil and Political Rights, and UNTAET generally respected these rights in practice.

There are 2 daily newspapers, 2 weekly newspapers, and several bulletin newspapers that are printed in sporadic fashion. Their editorials freely criticize UNTAET, and other political entities. One of the newspapers was founded during 2000. In addition there are six radio stations, three in districts outside Dili. While insufficient financial resources and facilities have constrained the development of independent print and broadcast media, there are no political or legal impediments to new entries to the media market.

In September 2000, a foreign reporter was arrested for "offending the dignity" of the CNRT president; he later was released (see Sections 1.d. and 1.e.). In August 2000, a court found that the reporter had a legal basis to demand compensation, but that he had filed suit against the wrong person. No one has been held accountable for the September 1999 killing of Dutch journalist Sander Thoenes in Dili by assailants believed to have been members of the Indonesian Battalion 745. In September 2000, it was announced that the U.N. was investigating the October 1975 murders of five Australia-based journalists in East Timor (see Section 1.a.).

UNTAET operates one television and one radio station. There are an additional five private radio stations, three in districts outside Dili.

Although the telecommunications infrastructure largely is underdeveloped, there are no legal or administrative restrictions on Internet access.

UNTAET respects academic freedom. The University of East Timor reopened in a new location in November 2000 after the university's previous facilities were destroyed in September 1999.

b. Freedom of Peaceful Assembly and Association

UNTAET regulations provide for the freedoms of assembly and association as stipulated in the U.N. International Covenant on Civil and Political Rights, and UNTAET generally respected these rights in practice. Many peaceful demonstrations occurred throughout the year. Most demonstrations centered on complaints over allocation of jobs, salaries, severance pay issues, and admission of students to the university.

UNTAET strongly advocates for the freedom of political parties (see Section 3).

c. Freedom of Religion

UNTAET regulations provide for freedom of religion, and representatives of the Roman Catholic Church, Protestant churches, and the Islamic community have some political influence. More than 90 percent of the population is Roman Catholic. The relatively few Protestant churches previously were identified with the Indonesian military forces and pro-Indonesia East Timorese. Accusations that Protestant clergymen were linked to pro-Indonesia East Timorese militias sometimes led to harassment of church members in the past; however, during the year, there were no further attacks on Protestant churches such as those that occurred in

June 2000, in Aileu district (see Section 5).

The small Muslim community consists of ethnic East Timorese as well as ethnic Malay migrants from other parts of Indonesia who have lived in East Timor for many years. The former group was well integrated into East Timorese society, but the latter group experienced some harassment. In March a mob burned the mosque in Baucau (see Section 5). Residents reportedly targeted the mosque as a result of local animosity toward a Jordanian Rapid Reaction Unit based nearby. The mosque was rebuilt by the community with the financial assistance of foreign donors.

Some Muslim groups at times were victims of harassment. The Dili mosque remains inhabited by ethnic Malay Muslim migrants who initially fled from East Timor during the violent period in September of 1999. Some migrants returned shortly after INTERFET forces took control, but some fear returning to their homes and have been harassed by East Timorese Muslims who want control of the Dili mosque, and on December 31, 2000, local gangs attacked the main mosque in Dili injuring three persons in the mosque (see Section 5).

There were no arrests in cases related to religious violence or attacks against churches and mosques (see Section 5). UNTAET's ability to respond to such attacks was hindered by insufficient prison space and a lack of judicial resources (see Section 1.c. and 1.e.). The activities of foreign missionaries are not restricted. Religious instruction is not officially required in public schools.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights and UNTAET generally respects them in practice.

During the year, the Indonesian government restricted the freedom of movement of residents of the Oecussi enclave, physically separated from the rest of East Timor by Indonesian territory. A passenger ferry between Oecussi and the rest of East Timor was discontinued due to safety concerns, making the land route through Indonesia the only link to the rest of East Timor for Oecussi residents. UNTAET was organizing a new passenger ferry service, but the ferry was not in operation by year's end.

Throughout 2000 and during the first half of the year, pro-Indonesia militias entered East Timor from West Timor and attacked, threatened, and at times killed local villagers (see Sections 1.a. and 1.c.). However, the UN-PKF was able to reduce militia activities and no militia attacks have been reported since June. The fear of such violence until June at times led East Timorese residents to abandon their villages temporarily. For example, in August 2000, militia members who penetrated East Timor as far as the Manufahi district, in the central sector, caused more than 1,000 local residents to flee their villages for fear of militia attacks.

During the year, UNTAET worked closely with the U.N. High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) to provide for the repatriation of IDP's from West Timor to East Timor, including the provision of transportation, shelter, and food. Working in cooperation with NGO's, UNTAET, the IOM, and the UNHCR have resettled in East Timor an estimated 190,000 of the approximately 250,000 former residents who fled, or whom pro-Indonesia militia removed forcibly to West Timor and elsewhere in September 1999. In November East Timor's independence leader Xanana Gusmao called for thousands of refugees in Indonesia-run West Timor to return to East Timor. During the year, the Government of Indonesia announced that it would end aid to the refugee camps in West Timor and revoked refugee status for the individuals remaining; however, it has not done so by year's end.

UNTAET provides for the granting of asylee and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

By UNTAET mandate, citizens have the right to change their government through periodic elections. On August 30, elections were held to elect members to a Constituent Assembly responsible for creating a constitution. As a result of the elections, in September UNTAET established a new governing structure, the East Timor Public Administration (ETPA). The ETPA consists of 10 ministries and 4 secretariats, all headed by East Timorese. The cabinet was selected in consultation with the U.N. Transitional Administrator and the newly elected Constituent Assembly. The 26-member ETPA cabinet, consisting of Ministers, Vice-Ministers, and Secretaries, is dominated by members of Fretilin, the party that won the majority of seats in the Constituent Assembly. The CNRT disbanded later in the year, when its members left the organization as the elections approached to campaign for their individual parties. The Constituent Assembly and the new Cabinet assumed

the roles previously held by the CNRT. However, the cabinet also includes three members of the smaller Democratic Party, as well as nine independent members, some of whom are affiliated with smaller political parties. UNTAET, led by Transitional Administrator Sergio de Mello, is to retain ultimate executive authority on behalf of the U.N. Security Council until East Timor's full independence, scheduled for May 20, 2002. Presidential elections are scheduled for April 14, 2002.

The Constituent Assembly elected on August 30 consists of 88 members. Seventy-five seats were allocated based on a national ballot of political parties and independent candidates, and 13 were seats allocated based on a district ballot in each of East Timor's 13 districts. The Constituent Assembly was formed to write a constitution to determine the structure of government and division of powers for an independent East Timor. The Constitution originally was scheduled for completion on December 15; however, the UNTAET Administrator granted the Constituent Assembly a 30-day extension. By end of February 2002, the constitution is expected to be completed.

Under UNTAET regulations, Indonesian law applies throughout East Timor, except in areas in which UNTAET specifically has repealed laws, superseded them with its own regulations, or where Indonesian law violates international human rights standards.

In January 1999, the Government of Indonesia announced its willingness to consider broad-based autonomy or independence for East Timor, paving the way for a U.N.-sponsored agreement concluded between Indonesia and Portugal in May of that year. Following the agreement, the U.N. Mission in East Timor (UNAMET) was established in order to oversee the preparatory arrangements leading to, and implementation of, the referendum. After three postponements due to a fragile security situation, the referendum was held on August 30, 1999. Militia groups backed by Indonesian armed forces attempted, through numerous killings, attacks, rapes, and other abuses, to intimidate the East Timorese population into voting for autonomy (and, in effect, against independence), or to prevent them from voting at all; nevertheless, some 98 percent of registered voters cast their ballots, and 78.5 percent of the voters opposed the autonomy proposal. However, in the period after the announcement of the results, incidents of mass killing, violence, and destruction were reported widely throughout the province (see Sections 1.a., 1.c., 2.d., 4, and 5). However, in October 1999, the Indonesian Parliament approved revocation of the 1978 parliamentary decree that annexed East Timor, allowing for the establishment of UNTAET. In late October 1999, UNTAET became responsible for maintaining a police and military apparatus in East Timor.

UNTAET is mandated by the U.N. Security Council to establish a democratic government in East Timor. In July 2000, UNTAET established a new governing structure, the East Timor Transitional Administration. The ETTA cabinet consisted of nine ministries. UNTAET officials headed the ministries of Internal Security, Justice, Political, Constitutional and Electoral Affairs, and Finance. East Timorese headed the ministries of Internal Administration, Infrastructure, Economic Affairs, Foreign Affairs, and Social Affairs. An UNTAET-appointed 36-member National Council (NC) in October 2000. The NC, a body of representatives appointed by UNTAET, also in close consultation with the CNRT, is responsible for exercising important policy decisions concerning East Timor's transition process. The NC is comprised entirely of East Timorese, representing the 13 districts, the CNRT, other political groups, and a variety of NGO, youth, and religious groups.

In the latter part of 2000, disagreement within the CNRT complicated the political situation. Following the CNRT Congress in August 2000, the leaders of the two largest pre-Indonesian era parties, Fretilin and the Timorese Democratic Union (UDT), broke relations with the CNRT leadership and refused to participate in the CNRT-successor organization, the CNRT/National Congress.

In December 2000, in his capacity as President of the CNRT, Xanana Gusmao presented to the NC a proposed timeline for the process leading to the election of a constituent assembly, the drafting and adoption of a constitution, and eventual independence. UNTAET, the CNRT, and the NC devised the plan that is being implemented for East Timor's first constitution and subsequent government.

UNTAET advocates the freedom of political parties and adheres to the U.N. International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. However, prior to its dissolution in the months preceding the CNRT received material support and derived legitimacy from its close relations with UNTAET; other parties did not enjoy the same advantages. During 2000, there were credible charges that the CNRT used its political position to influence the allocation of jobs (see Section 1.f.).

The percentage of women in government or politics does not correspond to their percentage of population; however, UNTAET and the CNRT have made significant efforts to include women in appointed political bodies. Twenty-four women were elected to the new 88-seat Constituent Assembly. This was taken to be a positive sign by some of the main women's rights organizations in East Timor. In March the National Council approved a draft election law, but rejected an article concerning compulsory quotas for the number of female candidates.

Three of the top positions in the ETPA cabinet are held by women: The Minister of Justice, the Minister of Finance, and the Secretary of Commission on Planning. However, women remained underrepresented in the government and politics, particularly in top leadership levels.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operate without UNTAET restriction, investigating and publishing their findings on human rights cases. UNTAET officials are cooperative and responsive to their views. There are no restrictions on the right of persons to form NGO's. Numerous NGO's were established during 2000 and during the year, devoted to a wide variety of civil society issues.

UNTAET adheres to the Universal Declaration on Human Rights, and actively has promoted investigation of human rights abuses occurring in East Timor. On October 15, 1999, the UNHCR appointed the International Commission of Inquiry on East Timor (ICIET), which issued a report in January 2000 that made several recommendations, including that an international tribunal be established to prosecute those responsible for the mass abuses. UNTAET facilitated visits to East Timor of members of the KPP-HAM (see Section 1.a.). Within UNTAET there is a Human Rights Unit and a Serious Crimes Investigation Unit to investigate past human rights violations and to bring the perpetrators of past abuses to justice (see Section 1.e.). Nevertheless, resource constraint as well as procedural and organizational disputes within UNTAET have hampered progress on these investigations (see Section 1.e.). UNTAET also engaged a special rapporteur to produce a comprehensive report on human rights abuses in East Timor since 1975. The report had not been published by year's end.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

UNTAET regulations prohibit all forms of discrimination. Nonetheless violence against women is a problem, as is discrimination against women and religious and ethnic minorities.

Women

Domestic violence against women is a significant problem in East Timor. In December East Timor's chief minister, Mari Alkatiri, expressed concern over mounting domestic violence against women, claiming that "cases of domestic violence are increasing" and that many "consider the beating of women to be a private affair."

Customary practices in East Timor discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property. UNTAET regulations implement the U.N. Convention on the Elimination of All Forms of Discrimination Against Women; however, discrimination complaints were not a priority during the year, and no cases have been reported. UNTAET created a Gender Affairs Unit within ETTA and this unit continues under ETPA as the Office for the Promotion of Equality. The unit provides training to women entering public service and it attempts to ensure women have a voice in the new government and civil society structures. Guidelines for mainstreaming gender equality in the civil service also were developed but had not been widely implemented by year's end.

There were no reports of gender-based employment discrimination during the year; however, women usually deferred to men when job opportunities arose at the village levels.

Rape is a punishable offense, as specified by Indonesian law. Few cases of rape have been prosecuted in the courts, although there was one indictment and numerous charges during the year (see Section 1.c.). As of September, 42 rape cases had been reported to the Civilian Police but few of these cases have resulted in prosecutions. Women's groups were concerned that the CNRT was encouraging women to resolve rape and domestic violence cases through traditional rules, which usually provide only for compensation to be paid to the victim. In such cases, the perpetrator is not held accountable under criminal laws and the punishment falls short of international standards. UNTAET has attempted to address this issue by establishing a Vulnerable Persons Unit to address cases of violence against women and other vulnerable groups.

There were several allegations of sexual misconduct on the part of the PKF and CIVPOL. One CIVPOL member was arrested and was being tried on rape charges at year's end. UNTAET regulations prohibit prostitution; however, UNTAET has not released comprehensive statistics regarding prostitution.

It is alleged widely that TNI-backed militias raped numerous women during the September 1999 violence in East Timor, and kept many as sex slaves (see Section 1.c.). Kirsty Sword Gusmao, wife of East Timorese

independence leader Xanana Gusmao, reported to the international press in November 2000 that 33 pregnant East Timorese women returned to East Timor and claimed that they had been abducted and forced to serve as sex slaves for the TNI in West Timor, Indonesia.

The East Timorese Women's Forum, (FOKUPERS), offers some assistance to women who have been victims of violence, and has established a women's and children's shelter for victims of domestic violence and incest. East Timor Women against Violence (ETWAVE) is an East Timorese human rights NGO that advocates on behalf of women. Women's NGO's have an organizing secretariat in various NGOs, with assistance by the U.N. Many of these district-based, local organizations also have set up informal and formal shelter mechanisms and advocacy activities.

In the past, there have been unconfirmed reports of trafficking in women and children from Indonesia to East Timor (see Section 6.f.).

Children

Primary education is compulsory and free; however, while the majority of children returned to school in 2000 and during the year after having fled their villages during the 1999 violence, a shortage of schools and educational materials remained at year's end. The Government was rebuilding and replacing the educational infrastructure destroyed by the Indonesian military and pro-Indonesia militias in September 1999; Many primary and secondary schools were rebuilt during the year and the Government heavily relies on international aid in its efforts to rebuild educational infrastructure. The Government has coordinated widespread inoculation programs and provides free medical care in many areas of the territory.

Persons with Disabilities

UNTAET has not enacted legislation or otherwise mandated a provision of accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with disabilities. Nonetheless there are no reports of discrimination against persons with disabilities in employment, in education, or in the provision of other state services. There is only one school for children with disabilities (in Dili) that was able to serve only 1/3 of their pre-1999 enrollment. As class sizes and access to school in many districts are restrictive to students with disabilities, many children with disabilities do not attend school. Training and vocational initiatives do not give attention to the needs of persons with disabilities.

Religious Minorities

There were isolated instances of communal and sectarian violence during the year, although such incidents also had strong political and cultural undertones. For example, in March a mob burned the mosque in Baucau. Residents reportedly targeted the mosque as a result of local animosity toward a Jordanian Rapid Reaction Unit based nearby. The mosque was rebuilt by the community with the financial assistance of foreign donors. At times Protestants also have been harassed; however, during the year, there were no further attacks on Protestant churches such as those that occurred in June 2000, in Aileu district. One of the churches was rebuilt during the year with assistance from the entire community, including Protestants and Catholics.

East Timor's small Muslim community consists of ethnic Timorese and ethnic Malay migrants from Indonesia. Ethnic East Timorese Muslims generally are well-integrated into society, but ethnic Malay East Timorese Muslims are not well-integrated and experienced some societal harassment during the year. In the early months of 2000, a group of approximately 250 ethnic Malay Muslims residing at the mosque compound in Dili were harassed by local youth gangs who were throwing stones at the mosque and surrounding structures. Such harassment appeared to have abated during the latter part of 2000; however, on December 31, 2000 local gangs attacked the main mosque in Dili, injuring three persons. The mosque members' resistance to the gang's demand for a car reportedly precipitated the violence.

There were no arrests in cases related to attacks on churches or mosques, largely because of insufficient resources (see Sections 1.c., 1.e., and 2.c.).

National/Racial/Ethnic Minorities

Ethnic Chinese businessmen have been subjected to extortion and harassment, at times from elements reportedly associated with the CNRT, which accuses the Chinese businessmen (who make up less than 1 percent of the population) of, among other things, financially backing rival groups. Local gangs have harassed ethnic-Malay Muslims. In addition there have been tensions between the Makasai-speaking group of East Timorese origin located in the eastern part of the island and Tetum-speaking and other ethnic groups near Dili.

Portuguese and Tetum are the proposed official languages of East Timor in the draft constitution, although only a small minority of the population speaks Portuguese. UNTAET uses Portuguese, English, Bahasa Indonesia, and Tetum, with English as its working language. The majority of non-Portuguese speakers, especially younger persons educated under the Indonesian system, claim that non-Portuguese speakers are discriminated against in filling political and civil service positions.

Section 6 Worker Rights

a. The Right of Association

UNTAET generally applies Indonesian labor statutes, with some modifications to suit local conditions. Indonesian law permits private sector workers to form and join worker organizations without prior authorization, and unions may draft their own constitution and rules and elect their representatives; however, attempts to organize workers generally have been ineffective due to a lack of organizational skills. Nonetheless a teacher's union and a nurses' union were formed during the year. These unions were weak, but active. It is estimated that roughly two-thirds to three-quarters of East Timor's work force is engaged in subsistence agriculture, and thus is not employed for pay. Dissatisfied workers or disappointed job applicants frequently resorted to strikes, demonstrations, and sometimes destruction of property. Disputes usually centered on demands for higher salaries or severance pay for jobs in which short-term contracts have expired. In the absence of organized labor unions, many of these disputes were resolved through the arbitration of local NGO's or the Department of Labor under UNTAET/ETPA. Slow progress in writing a new labor code has restricted labor action in many sectors.

b. The Right to Organize and Bargain Collectively

While collective bargaining is permitted, workers in East Timor generally have little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations.

There were no reports of export processing zones.

c. Prohibition of Forced or Compulsory Labor

Indonesian law still in effect in East Timor prohibits forced labor; however, during the year, local leaders informally required a number of returnees accused of involvement in the post-consultation destruction of September 1999 to engage in compulsory labor as a means of punishing them for their alleged offenses (see Section 1.c.). Examples of such compulsory labor included repairing damaged structures and community service in villages. UNTAET tolerated this practice.

Forced or bonded labor by children is not known to occur (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

Indonesian law prohibits children under the age of 15 from working more than 4 hours per day; however, UNTAET has not addressed the issue of child labor, and numerous children in East Timor, especially in rural areas, work in the agricultural sector. UNTAET prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

In the past, there have been unconfirmed reports of trafficking in women and children from Indonesia to East Timor (see Section 6.f.).

e. Acceptable Conditions of Work

UNTAET can not provide for a decent standard of living for a worker and family. An UNTAET directive provided for a minimum wage of \$65 per month, however, with the expected approval of the new Labor Code, new minimum requirements are being investigated. The minimum wage is not enforced in practice. Indonesian laws still in effect provide for minimum standards of worker health and safety, days off, and other standard benefits. Indonesian law provides for a maximum workweek and overtime; however, in practice UNTAET has been unable to enforce this law effectively. UNTAET has not reported that significant numbers of workers are exploited. There are no restrictions on the rights of workers to file complaints and seek redress.

f. Trafficking in Persons

Applicable Indonesian law prohibits the trafficking in women and children, whether for the purposes of prostitution or for forced labor; however, in the past there have been unconfirmed reports of trafficking of women and children from Indonesia to East Timor.

There were over 2,000 children separated from their parents during the forced exodus to West Timor in 1999. Trafficking has not been reported during the year; however, the problem of children separated from their parents remained a concern. During the year, the UNHCR and the IRC stated that there were approximately 1,600 children that remained separated from their parents. Of these "separated children," 500 were in East Timor and more than 1,000 were in West Timor. An estimated 170 children were taken from the camps in West Timor in 1999 and 2000 to orphanages in Java. Eight of these children were reunited during the year.